

## § 170.070

(t) *Tank ship* means a tank vessel propelled by mechanical means or sails.

(u) *Vessel* means any vessel and includes both ships and barges.

(v) *Weather deck* means the uppermost deck exposed to the weather.

(w) *Existing sailing school vessel* means a sailing vessel whose keel was laid prior to (January 9, 1986), which has an application for initial inspection for certification as a sailing school vessel on file with the Coast Guard prior to (January 9, 1987), and whose initial inspection for certification is completed prior to (January 9, 1988).

(x) *New sailing school vessel* means a sailing school vessel which is not an existing sailing school vessel.

(y) *Small passenger vessel* means a vessel of less than 100 gross tons—

(1) Carrying more than 6 passengers, including at least one passenger for hire;

(2) That is chartered with the crew provided or specified by the owner or owner's representative and carrying more than 6 passengers;

(3) That is chartered with no crew provided or specified by the owner or owner's representative and carrying more than 12 passengers; or

(4) That is a submersible vessel carrying at least one passenger for hire.

[CGD 79-023, 48 FR 51010, Nov. 4, 1983]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 170.055, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).

## Subpart C—Plan Approval

### § 170.070 Applicability.

(a) Except as provided in paragraph (b) of this section, this subpart applies to each vessel.

(b) This subpart does not apply to any of the following vessels unless the stability of the vessel is questioned by the OCMI, or regulations by which the vessel is inspected require their application:

(1) A passenger vessel that—

(i) Is less than 100 gross tons;

(ii) Is less than 65 feet (19.8 meters) LOD measured over the weather deck; and

(iii) Carries 49 or less passengers.

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(2) A deck cargo barge that complies with the requirements in § 174.020 of this chapter.

(3) A tank vessel that only carries a product listed in § 30.25-1 of this chapter and that is less than 150 gross tons.

(4) A tank barge that—

(i) Operates only in rivers or lakes, bays, and sounds service;

(ii) Does not have to meet 33 CFR part 157, subpart B; and

(iii) Only carries a product listed in § 30.25-1 of this chapter.

(5) A sailing school vessel that is an open boat that complies with the requirements in § 173.063(e) of this subchapter.

[CGD 79-023, 48 FR 51010, Nov. 4, 1983, as amended by CGD 83-005, 51 FR 923, Jan. 9, 1986; USCG-2007-0030, 75 FR 78083, Dec. 14, 2010]

### § 170.075 Plans.

(a) Except as provided in paragraph (b) of this section, each applicant for an original certificate of inspection and approval of plans must also submit three copies for plan review being conducted by the Coast Guard Marine Safety Center of each of the following plans:

(1) General arrangement plan of decks, holds, and inner bottoms including inboard and outboard profiles.

(2) Lines.

(3) Curves of form.

(4) Capacity plan showing capacities and vertical, longitudinal, and transverse centers of gravity of stowage spaces and tanks.

(5) Tank sounding tables showing—

(i) Capacities, vertical centers of gravity, and longitudinal centers of gravity in graduated intervals; and

(ii) Free surface data for each tank.

(6) Draft mark locations including longitudinal location and vertical reference points.

(b) Each small passenger vessel that is designed to comply with the alternate intact stability requirements in § 178.320 of this subchapter and the simplified method of spacing main transverse watertight bulkheads in § 179.220 of this subchapter does not have to

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submit the plans required by paragraph (a) of this section.

[CGD 79-023, 48 FR 51010, Nov. 4, 1983, as amended by CGD 85-080, 61 FR 944, Jan. 10, 1996; CGD 95-028, 62 FR 51217, Sept. 30, 1997; USCG-2007-0030, 75 FR 78083, Dec. 14, 2010]

### § 170.080 Stability booklet.

Before issuing an original certificate of inspection, the following number of copies of the stability booklet required by §170.110 must be submitted for approval; three copies for plan review being conducted by the Coast Guard Marine Safety Center.

[CGD 95-028, 62 FR 51217, Sept. 30, 1997, as amended by USCG-2007-0030, 75 FR 78083, Dec. 14, 2010]

### § 170.085 Information required before a stability test.

If a stability test is to be performed, a stability test procedure that contains the information prescribed in §170.185(g) must be submitted to the Coast Guard Marine Safety Center at least two weeks before the test.

[CGD 95-028, 62 FR 51217, Sept. 30, 1997, as amended by USCG-2007-0030, 75 FR 78083, Dec. 14, 2010]

### § 170.090 Calculations.

(a) All calculations required by this subchapter must be submitted with the plans required by §170.075 of this subpart. Calculations must account for the weight of all loads carried aboard the vessel.

(b) If it is necessary to compute and plot any of the following curves as part of the calculations required in this subchapter, these plots must also be submitted:

- (1) Righting arm or moment curves.
- (2) Heeling arm or moment curves.
- (3) Cross curves of stability.
- (4) Floodable length curves.

(c) The assumed weight per person for calculations showing compliance with the regulations of this subchapter must be representative of the passengers and crew aboard the vessel while engaged in the service intended. Unless the Officer in Charge, Marine Inspection (OCMI) permits or requires the use of other values in writing, the assumed weight per person of passengers and crew must not be less than that the Assumed Average Weight per

Person (AAWPP) calculated in accordance with paragraphs (d) and (e) of this section.

(d)(1) The AAWPP is 185 lb from December 1, 2011 until the AAWPP is first updated pursuant to the provisions of this section. As of the effective date of the first AAWPP update after December 1, 2011, this paragraph (d)(1) will be superseded and cease to be effective.

(2) The formula in paragraph (e) of this section will be used to determine an update to the AAWPP. It requires the use of data in the most recent report released by the Centers for Disease Control and Prevention (CDC) through the National Center for Health Statistics (NCHS), or any successors to those centers. This report can be found on the CDC's Web site.

(3) Each time the CDC releases a report containing mean weights of United States adult males and females, the Coast Guard will apply the formula in paragraph (e) of this section to that data. The resulting value will become the new AAWPP only if the sum equals or exceeds 10 pounds more than the AAWPP then in effect. The Coast Guard will notify the public of the new AAWPP in the FEDERAL REGISTER and other appropriate media.

(4) Updates to the AAWPP used in calculations showing compliance with this subchapter will be promulgated as interpretive rules and become effective in accordance with the provisions of this section without further rule-making procedures.

(5) Notwithstanding any other provisions of this section, the Coast Guard may choose, in its discretion, to conduct further rulemaking procedures at any time to amend this subchapter, including updates of the AAWPP.

(6) Updates to the AAWPP used in calculations showing compliance with this subchapter will be published in a separate FEDERAL REGISTER notice and other appropriate media, except when the Coast Guard conducts further rule-making procedures under paragraph (d)(5) of this section.

(7) Notwithstanding any other provisions of this section, the Coast Guard may choose, in its discretion, to delay or dispense with any update of the AAWPP. In the event the Coast Guard